

REMARKS


In response to the Office Action, Applicants have amended the application to reflect unique aspects of the present invention for use in placing an implant with an airway tissue for treating airway conditions. The implant has a length as illustrated in the drawings and both the needle 34 and handle 32 have corresponding markings (44, 46 in Fig. 6) which correspond with the needle to give an operator indication of depth of penetration and precise placement of the implant within the tissue of the airway. These cooperating elements permit accurate placement of an implant within tissue. These features have been introduced to each of independent claims 1 and 14. It will be appreciated that none of the cited references are concerned with direct placement of an implant in a precise location within tissue and that the prior art references permit a wide degree of variability of placement of the medicinal pellets as described in Grimm et al. or in the implant '896 patent to Elliott. The markings of the present invention provide a cooperating feature between both the needle and the handle and are described in their relation in page 10 of the present application beginning at line 5 and elsewhere in the application.

With the amendments to the claims, the claims now present structure that is not shown by any combination of the cited references. Further, this structure permits accurate placement of an elongated implant into a narrow target area of a tissue. Since the claims now present a novel combination of structure and that structure presents added benefits over the prior art, it is respectfully submitted that this application is in condition for allowance. Reconsideration and a Notice of Allowance are solicited.

Respectfully submitted,

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